

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN ROGERS,

Plaintiff,

v.

CALIFORNIA STATE PRISON
CORCORAN,

Defendants.

No. 1:23-cv-01158 GSA (PC)

ORDER DIRECTING PLAINTIFF TO FILE
COMPLAINT ON COURT FORM

PLAINTIFF'S FIRST AMENDED
COMPLAINT DUE **SEPTEMBER 30, 2024**

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed a document with the Court which has been labeled a civil rights action that seeks relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

A cursory review of the document filed by Plaintiff indicates that it is not a Section 1983 civil rights complaint. See generally ECF No. 1. Instead, the document is a California State small claims pleading form. See id.

Any civil rights complaint Plaintiff wishes to file must be on the Court's form. Therefore, Plaintiff will be ordered to file an amended complaint. He will be sent a copy of the Court's civil rights form for a prisoner, and he will be given thirty days to complete it and file it.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court shall:

a. CORRECT the docket at ECF No. 1 so that it reads: “(1983) Prisoner Civil Rights Complaint (California State Small Claims Form),” and

b. SEND Plaintiff a copy of the Court’s Civil Rights Complaint By a Prisoner form, and

2. Within thirty days from the date of this order – **by September 30, 2024**, – Plaintiff shall file a first amended complaint on the Court’s form.

Plaintiff is cautioned that failure to comply with this order within the time allotted may result in a recommendation that this matter be dismissed.

IT IS SO ORDERED.

Dated: **August 21, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE